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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,104	03/26/2001	Declan P. Kelly	NL 000181	7740

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2616

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,104

Applicant(s)

KELLY ET AL.

Examiner

Bob Chevalier

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 18, 19 and 23-37 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 17 and 20-22, 38-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. Claims 1-16, 18-19, 23-37, contain allowable subject matter over the prior art of record.

Claim Objections

2. Claims 17, 20-22, and 38-39, are objected to because of the following informalities:

It is noted that claim 17 is a method claim. However, line 2 of the present claim 17, recites the expression "the apparatus comprises means for". In order to make the claim 17 in a proper form of a method claim, the expression "the apparatus comprises means for" needs to be changed to --the method comprises the step of--;

Claim 20, line 4, recites the expression "the apparatus is adapted" which should also be changed to --the method is adapted-- in order to make the present claim 20 in a proper form of a method claim;

Claim 21, lines 2-3, recites the expression "means for storing the bridge sequence" which should also be changed to --step of storing a bridge sequence-- in order to make the present claim 21 in a proper form of a method claim;

It is further noted that claim 22 is depended from claim 12. However, Examiner notices that the present claim 22 should instead be depended from claim 19, in order to establish consistency in the claim, particularly, with the expression "said bridging sequence" recited at lines 3-4, of the present claim 22. Note that claim 12 does not recite the feature of the "bridge sequence", instead said feature is recited in claim 19.

Claim 38, line 10, recites the expression "said reproducing means" which should also be changed to --said reproducing method comprising the step of-- in order to make the present claim 38 in a proper form of a method claim.

Appropriate correction is required.

3. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to an apparatus comprising means operable to read sequences of data from a storage device and edit the same. The independent claims identify the feature of "wherein each of the stored sequences comprises at least one series of transport packets, the transport packets of a given series including respective continuity counter values each related by predetermined continuity rules to the preceding one, the apparatus comprising means for calculating the magnitude of a discontinuity in continuity counter values resulting from the linking of said edit points, and means for generating a corresponding number of additional transport packets, each having its own continuity counter value, so as to define an edited sequence of transport packets linking said first and second edit points while complying with said constraints and continuity rules". Furthermore, the independent claim 38 recites the allowable feature of "wherein said first and second sequences each comprise at least two multiplexed elementary streams encoded and multiplexed in a form compliant with a predefined decoder specification such that truncating said first sequence at said first edit point and entering said second sequence at said second edit point would in general violate one or more constraints within said decoder specification, said reproducing

method comprising the step of operating substantially without recoding or re-multiplexing of said elementary streams by reproducing data selectively from said first and second sequences in the vicinity of said edit points, such that said edited sequence, as output, complies with said decoder specification". The closest prior art, Ashley et al a conventional frame accurate editing of encoded A/V sequences, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion

4. This application is in condition for allowance except for the following formal matters:

Applicant's attention is directed to the claim objection indicated above in paragraph 2.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
February 20, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER